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EXAMINER

FIGUEROA, MARISOL

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,208	<b>Applicant(s)</b> TUOMELA ET AL.	
	<b>Examiner</b> Marisol Figueroa	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed on 2/7/2007, with respect to claims 1-5, 7-16, and 18 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this Action is made FINAL.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, 4, 7-9, 11, 12, 14, and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by PETERS et al. (US 6,590,969 B1)

**Regarding claim 1**, Peters discloses a method for setting up a redirection of contacts coming to a terminal, said redirection being to at least one other communication system, the method comprising:

sending to the terminal a proposal of an address of said at least one other communication system by utilizing a data transmission connection set up between the terminal and a first communication system to be accepted and/or to activate the redirection (Fig. 1; col. 4, lines 12-32; a presence gatherer PRES\_GATH has the task of determining the most suitable terminal to receive

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incoming calls to a mobile terminal MOB\_T, thus when for example, the mobile terminal receives a fax call or message, the mobile terminal informs this to the presence gatherer (note that inherently the mobile terminal and the presence gatherer set up a connection to communicate), the presence gatherer determines the most suitable terminal to receive the call which is for example the secretary's facsimile terminal FAX\_T and sends the address of the fax terminal (i.e., proposal) to the mobile terminal) wherein the proposal comprises one or more possible call forward targets of the at least one other communication system outside a home network of the terminal (col. 4, lines 23-29; the presence gatherer sends the address of the facsimile terminal to the mobile terminal which is a call forwarding target);

in response to acceptance of the proposal, automatically setting up a redirection of calls to the terminal to the at least one other communication system (col. 4, lines 30-41; col. 5, lines 13-46; the mobile terminal MOB\_T receives the address of the fax terminal (i.e., proposal) and uses the address to automatically forward fax calls or messages to the facsimile terminal); and

wherein the received contacts are directed to the at least one other communication system based, at least in part, on a parameter selected from a group of parameters including at least one of: a presence of text content in said contact, a presence of audio content in said contact, a presence of pictorial content in said contact, a subject of said contact, a caller originating said contact, and a calling group originating said contact (col. 2, lines 8-12; col. 4, lines 12-17; the mobile terminal upon receiving call determines the call type (i.e., parameter), for example, the call is a fax call which includes text and the mobile terminal forwards the call because it cannot handle this type of call).

**Regarding claim 2,** Peters discloses the method according to claim 1, in addition Peters discloses wherein the at least one other communication system is located outside a coverage area of

a first communication system (col. 2, lines 29-37; col. 3, lines 40-58; the collection of terminals comprises a network of devices which it is outside the coverage area of the mobile communication system).

**Regarding claim 4**, Peters discloses the method according to claim 1, in addition Peters discloses wherein the terminal comprises means for performing mobile communication (Fig. 1; the mobile terminal MOB\_T performs mobile communication).

**Regarding claim 7**, Peters discloses the method according to claim 1, in addition Peters discloses wherein a contact leaving another terminal and aimed at the terminal is directed to the at least one other communication system (col. 2, lines 4-25; the calls incoming to the mobile terminal are forwarded to the most suitable terminal within a certain area which comprises another communication system).

**Regarding claim 8**, Peters discloses the method according to claim 1, in addition Peters discloses wherein a parameter is determined from the terminal that is the actual target of the contact (col. 4, lines 49-56; col. 5, lines 22-47; the mobile terminal determines the call type (i.e., parameter) of the incoming call which is used in determining the most suitable terminal (i.e., proposal) to handle the call).

**Regarding claim 9**, Peters discloses the method according to the claim 1, in addition Peters discloses wherein data connected to the redirection is transmitted to another terminal (col. 4, lines 12-32 ).

**Regarding claim 11**, Peters discloses a system which comprises:

a first communication system capable of being coupled to a first terminal via a data transmission connection ( Fig. 1; col. 4, lines 12-17; col. 4, line 56 – col. 5, lines 1- 22; the mobile terminal MOB\_T (i.e., first terminal) establishes a connection with the presence gatherer

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PRES\_GATH (i.e., first communication system) to indicate its presence within the area of the presence gatherer), and

wherein a contact directed to the first terminal is capable of being redirected to at least one other communication system (col. 1, lines 52-58), wherein the data transmission connection is capable of transmitting the address of the at least one other communication system as a proposal to the first terminal (Fig. 1; col. 4, lines 12-32; a presence gatherer PRES\_GATH has the task of determining the most suitable terminal to receive incoming calls to a mobile terminal MOB\_T, thus when for example, the mobile terminal receives a fax call or message, the mobile terminal informs this to the presence gatherer (note that inherently the mobile terminal and the presence gatherer set up a connection to communicate), the presence gatherer determines the most suitable terminal to receive the call which is for example the secretary's facsimile terminal FAX\_T and sends the address of the fax terminal (i.e., proposal) to the mobile terminal), wherein the proposal comprises possible call forward targets of the at least one other communication system outside a home network of the terminal (col. 4, lines 23-29; the presence gatherer sends the address of the facsimile terminal to the mobile terminal which is a call forwarding target), said first communication system being capable of automatically setting up a redirection of calls to the terminal to the at least one other communication system in response to acceptance of the proposal (col. 4, lines 30-41; col. 5, lines 13-46; the mobile terminal MOB\_T receives the address of the fax terminal (i.e., proposal) and uses the address to automatically forward fax calls or messages to the facsimile terminal); and

wherein the contact is redirected to the at least one other communication system based, at least in part, on a parameter selected from a group of parameters including at least one of: a presence of text content in said contact, a presence of audio content in said contact, a presence of pictorial content in said contact, a subject of said contact, a caller originating said contact, and a

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calling group originating said contact (col. 2, lines 8-12; col. 4, lines 12-17; the mobile terminal upon receiving call determines the call type (i.e., parameter), for example, the call is a fax call which includes text and the mobile terminal forwards the call because it cannot handle this type of call).

**Regarding claim 12**, Peters discloses the system according to claim 11, in addition Peters discloses wherein the at least one other communication system is located outside a coverage area of the first communication system (col. 2, lines 29-37; col. 3, lines 40-58; the collection of terminals comprises a network of devices which it is outside the coverage area of the mobile communication system).

**Regarding claim 14**, Peters discloses the system according to claim 11, in addition Peters discloses wherein the terminal comprises means for performing mobile communication (Fig. 1; the mobile terminal MOB\_T performs mobile communication).

**Regarding claim 18**, Peters discloses the system according to the claim 11, in addition Peters discloses wherein data connected to the redirection is transmitted to another terminal (col. 4, lines 12-32 ).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in view of LINDBERG et al. (US 2003/0140145 A1).

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**Regarding claim 5**, Peters discloses the method according to claim 1, but does not particularly disclose wherein the terminal functions in an IP based multimedia system (IMS). However, Lindberg teaches that the introduction of IP technology multimedia services has increased the number of ways to communicate (P.0018). Therefore, a person of ordinary skill in the art would have been motivated to modify Peters to include a terminal that functions in an IP multimedia system, as suggested by Lindberg, because an IP multimedia system provides the establishment of different types of communications, for example: text chat, speech, plain video telephony, etc.

**Regarding claim 15**, Peters discloses the system of claim 11, but does not particularly disclose wherein the terminal is arranged to function in an IP based multimedia system (IMS). However, Lindberg teaches that the introduction of IP technology multimedia services has increased the number of ways to communicate (P.0018). Therefore, a person of ordinary skill in the art would have been motivated to modify Peters to include a terminal that functions in an IP multimedia system, as suggested by Lindberg, because an IP multimedia system provides the establishment of different types of communications, for example: text chat, speech, plain video telephony, etc.

7. **Claims 10 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in view of GOSS et al. (US 2002/0137498).

**Regarding claim 10**, Peters discloses the method according to claim 1, but does not particularly disclose wherein the deactivation of redirection is automatic when the terminal is switched on or at the latest after a certain time. However, this feature is well known in the art and Goss is evidence of the fact. Goss teaches a method for automatic call forwarding when a mobile unit goes out of service, e.g. mobile unit is powered off, and later when the mobile unit comes into



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service, e.g. powering on or entering an effective wireless coverage area of a wireless network, automatic call forwarding is deactivated (p.0006; p.0010-0011).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify Peters to include the features of deactivating redirection automatically when for example a terminal is switched-on, as suggested by Goss, in order to overcome the problems of manually deactivating call redirection.

**Regarding claim 16**, Peters discloses the system according to claim 11, but does not particularly disclose wherein the terminal comprises means for automatically deactivating the redirection. However, this feature is well known in the art and Goss is evidence of the fact. Goss discloses a method for automatic call forwarding when a mobile unit goes out of service, e.g. mobile unit is powered off, and later when the mobile unit comes into service, e.g. powering on or entering an effective wireless coverage area of a wireless network, automatic call forwarding is deactivated (p.0006; p.0010-0011). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify Peters to include the features of providing automatic deactivation of redirection, as suggested by Goss, in order to overcome the problems of manually activating and deactivating call redirection, thus lowering the number of missed calls.

8. **Claims 3 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in view of De LOYE et al. (US 2002/0115471 A1).

**Regarding claims 3 and 13**, Peters discloses the method and system according to claims 1 and 13, but does not particularly disclose wherein the data transmission connection comprises a short-range wireless data connection.

However, in the same field of endeavor, De Loye teaches a method for call forwarding in which a mobile terminal communicates with office devices (i.e., call forwarding targets) using a

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short-range interface. The mobile terminal thanks to the short-range interface can identify which office devices are located in its proximity and forward the calls to these devices according to their capabilities (Abstract; paragraphs [0008]-[0018] ).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include the features of wherein the data transmission comprises a short range wireless data connection, as suggested by De Loye, since such a modification would allow the mobile terminal to identify the presence of a suitable communication network or devices to handle calls in its proximity.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Marisol Figuera  
Art Unit 2617

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER